



**HELEN F. DALTON & ASSOCIATES, P.C.**  
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August 1, 2023

**Via ECF:**

The Honorable J. Paul Oetken, U.S.D.J.  
United States District Judge  
Southern District Of New York  
40 Foley Square  
New York, New York 10007

Re: ***Luque, et al. v. Z&S Deli Inc., et al.***  
Civil Docket No. 22-cv-3043 (JPO)

Dear Judge Oetken:

Our office represents the Plaintiffs, Tomas Luque, and Gilberto Solano Menez, individually and on behalf of all others similarly situated (“Plaintiffs”) in this FLSA action, and we respectfully submit this letter motion jointly with counsel for the Defendants, to respectfully request an extension of the parties’ deadline to file their Joint Pretrial Order (“JPTO”) and an adjournment of the August 15, 2023 trial date.

Pursuant to the parties’ telephonic Pretrial Conference held on May 22, 2023, Your Honor directed that the parties’ pre-trial submissions are due August 1, 2023. *See* Dkt. No. 27.

It is respectfully submitted that the parties are on the precipice of reaching a settlement on all claims asserted herein, and counsel for both parties have been working diligently over the past month towards that end. We reasonably anticipate that with two (2) additional weeks, the parties will be able to apprise the Court that this matter has been settled. Further, we were advised earlier today by Defendants’ counsel’s office that Defendants’ counsel is currently unavailable due to an urgent medical condition and will be unavailable for the next few days before the parties can finalize the settlement terms.

Therefore, the parties respectfully request an extension of the parties’ deadline to file their Joint Pretrial Order and an adjournment of the August 15, 2023 trial date. The parties propose submitting a status report by August 15, 2023 in which we anticipate advising the Court of settlement.

We thank The Court for its kind consideration on this matter, and we remain available to provide any additional information necessary.

Respectfully submitted,

Avraham Y. Scher  
Avraham Y. Scher, Esq.

CC: counsel of record for Defendants via ECF and Electronic Mailing:

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*ATTORNEY TO BE NOTICED*

The August 1, 2023 deadline for the filing of the joint pretrial order and the August 15, 2023 trial date are adjourned *sine die*.

The parties shall file a joint letter as to the status of their settlement efforts no later than August 15, 2023.

So ordered.

08/02/23

  
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J. PAUL OETKEN  
United States District Judge